

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICARDA CARIAS,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

Case No. 15-cv-05274-EDL

ORDER RE: SERVICE OF PROCESS

Plaintiff filed this action on September 21, 2015. At that time, Federal Rule of Civil Procedure 4(m) stated that “[i]f a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”¹ At a case management conference held February 16, 2016, past the 120 day service deadline, Defendant United States indicated that it has not been served in accordance with Federal Rule of Civil Procedure 4(i). Accordingly, Defendant is hereby ordered to move to dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(5) by March 1, 2016. Defendant’s motion will be without prejudice to, and will not result in a waiver of, any other defense provided by Rule 12(b).

IT IS SO ORDERED.

Dated: February 19, 2016


ELIZABETH D. LAPORTE
United States Magistrate Judge

¹ On December 1, 2015, the deadline to complete service was changed to 90 days after the complaint is filed.